CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 21, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 5:00 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Trujillo, and Mayor Lavagnino. Councilmember Patino arrived at 5:15 p.m.

PUBLIC COMMENT:
There were none at this time.

RECESS:
Mayor Lavagnino recessed the City Council meeting to a Closed Session at 5:03 p.m. to consider:

CONFERENCE WITH LEGAL COUNSEL regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Subsection (e) of Government Code Section 54957 -- Title: City Manager and City Attorney

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (1 potential case)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8 - Property: Corner of Miller & Boone, a portion of APN 125-150-02; Agency Negotiator: Director of Public Works/City Engineer; Negotiating Parties: City of Santa Maria and LaBrea Ice Company; Under negotiation: Instruction to negotiator will concern price and terms of payment

After the Closed Session, the following Closed Session report was given:

Conference with Legal Counsel – Existing Litigation with SMVWCD: Status report was given.

Public Employee Performance Evaluation: Evaluations were given.

Conference with Legal Counsel – Anticipated Litigation: Direction to staff was given.

Conference with Real Property Negotiators: Instruction to staff was given.

RECONVENE:
Mayor Lavagnino reconvened the regular City Council meeting at 6:30 p.m. with all members present.

INVOCATION:
Rev. Gary Hanson of Grace Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Mariscal led the pledge of allegiance.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Police Chief Macagni, Community Development Director Lindsey, Fire Chief Ortiz, Director of Utilities Sweet, Director of

Administrative Services Snodgrass, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Planner III Shipsey, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Patino presented gifts to members of the Dixieland Jazz Band, the November 2006, Recreation and Parks Volunteers of the Month, for giving their time and talents to provide wonderful musical entertainment for the senior citizens at the Elwin Mussell Center every week and for participating in the Harvest Moon Dinner and Dance, the 4th of July Celebration, the Celebration of Life Event, and the Decadent Desserts and Dixie. John Ferenz and Ray Hooks were present to accept on behalf of the Band.

PROCLAMATION FOR KEY CLUB WEEK
Councilmember Mariscal read a proclamation declaring the week of November 7 – 13, 2006, as Key Club Week in the City of Santa Maria and calling upon all residents to support the members of this organization, whose members are preparing themselves to be better, more responsible citizens, as they provide meaningful service to our community. The proclamation was accepted by Elizabeth Hatch, President of the St. Joseph's High School Key Club.

PUBLIC COMMENT
There were none at this time.

CONSENT CALENDAR
Councilmember Mariscal requested Item 3C be pulled for comment. Councilmember Orach requested Item 3G be pulled for comment.

Item 3C – Memorandum of Understanding with the Service Employees International Union (SEIU) for part-time employees.

Councilmember Mariscal thanked staff for revising the staff report to include a comprehensive impact statement. He apologized to the members of SEIU for delaying action on the Memorandum of Understanding and said it had nothing to do with the employees or the MOU, he just wanted to know what the cost to the City would be.

Item 3G – Joint Use Agreement with Allan Hancock College for the Atkinson Life Long Learning Center.

Councilmember Orach commented that he wanted to bring this to the attention of the public as it was another good example of the City working with Allan Hancock College to bring a needed service to the community.

Consent Calendar Items A through G were approved on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 7, 2006, were approved as submitted.

C. MEMORANDUM OF UNDERSTANDING
Resolution No. 2006-181 was adopted approving a Memorandum of Understanding between the City of Santa Maria and the Service Employees International Union (SEIU), Local 620, for part-time employees.

Resolution No. 2006-181 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA MARIA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620.

D. WARRANTS
Warrant Nos. 130953 to 131254 in the amount of $2,360,301.46 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 130911 was canceled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. REIMBURSMENT AGREEMENT
Resolution No. 2006-182 was adopted approving a Reimbursement Agreement between the City and Santa Barbara County Flood Control and Water Conservation District regarding the sharing of costs for the services of Marlowe & Company for comprehensive Federal government affairs representation for efforts to gain funding for costs associated with the Santa Maria River Levee.

Resolution No. 2006-182 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT FOR COMPREHENSIVE FEDERAL GOVERNMENT AFFAIRS REPRESENTATION.

G. JOINT USE AGREEMENT
Resolution No. 2006-183 was adopted approving the recommendation of the Recreation and Parks Commission to approve the Joint Use Agreement between Allan Hancock College and the City of Santa Maria for the Atkinson Life Long Learning Center.

Resolution No. 2006-183 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE RECOMMENDATION OF THE RECREATION AND PARKS COMMISSION TO APPROVE THE JOINT USE AGREEMENT BETWEEN ALLAN HANCOCK COLLEGE AND THE CITY OF SANTA MARIA FOR THE ATKINSON LIFE LONG LEARNING CENTER.

QUAIL RUN ANNEXATION PROJECT
Planner III Shipsey gave the staff report. This is a General Plan Amendment, Prezoning, and Annexation for the Quail Run Project, located on the west side of South College Drive and East Side of Santa Maria Way to U.S. 101 which would amend the General Plan (Land Use) from 22.2 acres of Freeway Service and 5.9 acres of Lower Density Residential to 22.2 acres of Community Commercial and 5.9 acres of High Density Residential; prezoning to 31.8 acres of Planned Development/Residential Mobile Home, 5.9 acres of Planned Development/High Density Residential, 1.4 acres of Freeway Service, and 22.2 of Planned Development/General Commercial, and annexation of approximately 61.3 acres. Environmental review has been addressed through Santa Barbara County FEIR, and Class 1 and 32 categorical exemptions; the annexation applies a Class 19 categorical exemption and Addendum E-2005-077. On October 18, 2006, the Planning Commission conducted a public hearing and adopted Resolution 2440 recommending that the City Council certify the Final Environmental Impact Report, adopt findings and a Statement of Overriding Considerations, and approve a mitigation monitoring program. The Planning Commission also adopted Resolution 2441 recommending that the City Council approve the General Plan (Land

Use) amendment and Resolution 2442 recommending the City Council initiate the annexation. All actions passed with a 5-0 vote. During the Planning Commission public hearing, members of the public expressed concerns about potential conflicts between high traffic speeds on College Drive, increasing traffic volumes generated by the Orcutt Plaza development, and the increasing inability to safely drive into and out of the Quail Meadows developments. The proposed annexation area is presently developed with 115 single family units, 88 condominiums, a Chevron station with mini-mart, and a 3.9-acre drainage basin. There are two underdeveloped or vacant areas within the annexation area where additional development could occur. One area is a 5-acre parcel located near Sunrise Drive and College Drive. Half of this parcel is currently being used as RV storage for the Quail Meadows developments through a 25-year lease agreement with the petitioner. The partially developed parcel could accommodate an additional 20 units on the other half of the parcel. In 2003/2004, the County of Santa Barbara approved the 225,000 square foot Orcutt Plaza Shopping Center on the other underdeveloped site, a 22.2 acre site located at the northeast corner of Santa Maria Way and College Drive. According to the applicant, their intent is to develop a similar size retail center on the property.

Mayor Lavagnino asked when the vote of the people would be conducted as part of the annexation process.

Planner III Shipsey explained the LAFCO process and indicated the vote would be taken at the Conducting Authority public hearing which would be held within 30 days of the LAFCO Board meeting. If 50 percent plus one of the property owners and registered voters of the affected area protested, it would end the annexation.

Director of Public Works/City Engineer Whitehead addressed the traffic issues raised by the Quail Meadows residents at the Planning Commission meeting. He indicated the residents had requested a traffic signal at the entrance of the mobile home parks; however, that was a private driveway. Typically, traffic signals were not installed at private driveways. He listed three possible locations for a traffic signal: 1) at the Quail Meadows entrance; 2) at a potential second entrance into Quail Meadows closer to the Adams property; and 3) at McCloud and South College Drive. He said there were also concerns raised regarding the speeds on College Drive. College Drive is an arterial street and designed to carry traffic through the City. A new commercial development would increase traffic on South College Drive; however, the impacts would have to be determined through a new speed survey in the future after the project was constructed.

Councilmember Orach indicated that if the annexation was approved, any project on the vacant property would have to go through the Planning Commission for approval and conditions could be added to address the traffic impacts.

Mayor Lavagnino announced that just prior to the meeting the City had received a petition signed by 41 residents of the Quail Meadows West Mobile home Park opposing annexation into the City.

Dave Cross, representative for the applicant, commended staff for researching the annexation and pointed out that staff came to the same conclusion as the County of Santa Barbara did and the same conclusion the people who put together the Orcutt Community Plan did -- the area that encompasses the Adams' property is the most advantageous place to have a commercial center that serves the local neighborhood and the community. It is consistent with the site and the region's overall plan. There was a commercial project approved by the County after hundreds of hours of review, public hearings, an Environmental Impact Report and Traffic Study. However, there were water issues that could not be resolved in the County. The commercial project was never constructed because of those issues. The annexation will resolve the water issues and is the only way a commercial center can be built there. The people who live in that area will benefit from improved services from the City. He compared utility costs for both the County and the City and indicated that the residents would see no change in water or sewer and a slight decrease in the fees for trash service. He also compared public safety services for the residents and explained the improved services the residents would receive from the City. He also talked about the traffic concerns raised

by the residents and explained that there would be an opportunity to address traffic issues once the Public Works Department received plans for future development. The annexation, on its own, would have no impact on traffic. With the annexation, there would be an opportunity for improved traffic control. He commented that the School Districts would not change with the annexation, flood control would not change, addresses and mail would not change. Representation would change as currently the residents of the area were represented by one member of the Board of Supervisors out of five. After annexation, the residents would be represented by five City Councilmembers. He concluded by saying the annexation would be beneficial for everyone.

Councilmember Trujillo stated Mr. Cross had done a very good job explaining the benefits of the annexation, and he would like to suggest that Mr. Cross inform the people of the area of all the benefits. He said he thought the residents were misinformed.

Dave Cross explained that they had already held two town hall meetings with the residents of Quail Meadows West. He said he thought it might be a good idea to do that again.

Mayor Lavagnino opened the public hearing.

Bill Meredith, Quail Meadows Condo Association, spoke against the annexation because of the increase in traffic.

Evelyn Truck, Quail Meadows West, spoke against the annexation because of traffic. She said they were happy with the way things were currently, and it didn't need to change.

Edwin Skinner, Quail Meadows West, also spoke against the annexation. He expressed concern that Quail Meadows East and Del Cielo Mobile Home Parks were not being annexed as well.

Planner III Shipsey explained that those mobile home parks were being excluded because they were currently under County rent control, and the City did not have rent control. He said the assumption was that 100 percent of the residents would vote against annexation if they would lose their rent control.

G. Wayne Huckelberry spoke against the annexation and indicated it was only being done to benefit the Orcutt Plaza.

Ben May asked how the annexation would affect the drainage basin in Quail Meadows West that is currently being maintained by the County.

Director of Public Works/City Engineer Whitehead explained that there would be no change. County Flood Control would continue to maintain the drainage basin.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Mariscal asked about Quail Meadows East and how that would be affected when the Bradley Land Company annexation came forward.

Planner III Shipsey explained that Quail Meadows East would have to be addressed as part of the Bradley annexation. He said the City could possibly enter into an agreement to maintain the rent control for that development only. State law prohibits the City from creating a County island so it would have to be addressed in the future.

Councilmember Mariscal stated everybody recognized that this was the perfect place for a commercial development. However, the people who were originally involved with the establishment of the Orcutt Community Plan, were the people who opposed State water coming into the Valley. When these people established the Orcutt Community Plan, this site was recognized as a wonderful place to develop commercially; but they

also helped the County pass the legislation that prohibits development without supplemental water.

Councilmember Trujillo stated in his experience in Southern California when there was an island like this with rent control, the cities would make an agreement that they would grandfather the rules and regulations for 50 or 75 years.

Councilmember Patino stated when they put together the Orcutt Community Plan, they devised a method so there wouldn't be a lot of development in Orcutt by saying developers had to have supplemental water. Consequently, Orcutt is suffering from that. The owners of this property have the right to do whatever they want with their property. When the Orcutt Plaza went before the County for approval, Supervisor Gray's office was bombarded by telephone calls from people wanting that shopping center. Traffic and all these other issues can be addressed when a project comes forward.

Resolution No. 2006-184 was adopted certifying that the Final Environmental Impact Report prepared for the Orcutt Community Plan Update and the Supplemental EIR prepared for Orcutt Plaza and Initial Study/Addendum E-2005-007 for the Quail Run project were prepared in compliance with the California Environmental Quality Act and the City's Environmental Procedures, adopting CEQA findings and Statement of Overriding Considerations, and adopting a mitigation monitoring program on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-184 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE ORCUTT COMMUNITY PLAN UPDATE FINAL ENVIRONMENTAL IMPACT REPORT (95-EIR-01, SCH#95031055) AND THE ORCUTT PLAZA SHOPPING CENTER FINAL SUPPLEMENTAL EIR (SCH#2002061057) AND THE ADDENDUM FOR THE QUAIL RUN ANNEXATION PROJECT, MAKE CEQA FINDINGS, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING PLAN FOR THE QUAIL RUN ANNEXATION PROJECT, FILE NOS. GPZ-2005-011 AND AN-105.

Resolution No. 2006-185 was adopted authorizing the filing of a Notice of Exemption, E-2005-077, for portions of the Quail Run Project, GPZ-2005-011, on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-185 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE FILING OF A NOTICE OF EXEMPTION, E-2005-077, FOR THE QUAIL RUN PROJECT (GPZ-2005-011 AND AN-105).

Resolution No. 2006-186 was adopted amending the General Plan (Land Use) from LWDR-4 (Lower Density Residential, 4 units/acre) on 5.9 acres and FS (Freeway Service) on 22.2 acres to HDR (High Density Residential) on 5.9 acres and CC (Community Commercial) on 22.2 acres on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-186 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE ELEMENT) AMENDMENT FOR THE QUAIL RUN GENERAL PLAN (LAND USE) AMENDMENT AND PREZONING PROJECT, LOCATED SOUTH OF THE CITY LIMITS BETWEEN U.S. HIGHWAY 101 AND SANTA MARIA WAY (GPZ-2005-011, AN-105).

Ordinance No. 2006-15 prezoning the properties to PD/C-2 (Planned Development/Community Commercial, RMH (Residential Mobile Home), R-3 (High Density Residential), and FS (Freeway Service) was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-15 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, PREZONING APPROXIMATELY 60 ACRES OF PROPERTY LOCATED SOUTH OF THE CITY LIMITS BETWEEN U.S. HIGHWAY 101 AND SANTA MARIA WAY (GPZ-2005-011, AN-105)

Resolution No. 2006-187 was adopted to initiate the annexation of approximately 60 acres on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-187 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A RESOLUTION OF APPLICATION INITIATING PROCEEDINGS FOR THE QUAIL RUN REORGANIZATION (ANNEXATION 105).

LA VENTANA II PROJECT

Director of Community Development Lindsey gave the staff report. This project consists of a General Plan Amendment/Zone Change for Inland Pacific Builders for the La Ventana II Project at the northeast corner of East Main and Panther Drive. The General Plan (Land Use) amendment would change 38.27 acres from Primary Agricultural Open Space to 35.27 acres of Lower Density Residential and 3.0 acres of Community Commercial; and change the zoning from 38.27 acres of Open Space to 35.27 acres of Single Family Residential and 3.0 acres of Planned Development/General Commercial. Council's action would also include certifying the Environmental Impact Report for the project. On October 18, 2006, the Planning Commission conducted a public hearing and adopted Resolution 2438 recommending that the City Council certify the Final Environmental Impact Report, adopt findings and a Statement of Overriding Considerations, and approve a mitigation monitoring program. The Planning Commission also adopted Resolution 2439 recommending that the City Council approve the General Plan amendment. Both actions passed with a 5-0 vote. The property was part of the 2.12 square mile Annexation #35 which was incorporated into the City on May 7, 1963. This project is located across Panther Drive from the La Ventana I project and the Pioneer Valley High School. Based on previous meetings before the Planning Commission and City Council, the applicant provided larger lots along the single-loaded

perimeter roads to generate a larger buffer between the proposed housing and agricultural areas located to the north and east of the project site. The applicant proposed a project that would continue the La Ventana I concept which puts townhouse units along the Main Street property frontage. A 5-acre commercial site was proposed at the southwest corner of the site to help meet the neighborhood commercial needs. However, the Planning Commission gave clear direction that the commercial site was too large and the single family lots were too small. Subsequently, the applicant presented a series of alternative concepts that resulted in a Redesigned Project Alternative. This plan includes about 118 R-1 parcels that has 20 percent of the lots with 6,000 to 8,000 square feet, 40 percent with 8,000 to 10,000 square feet, and 40 percent with more than 10,000 square feet. The commercial corner lot was reduced to 3-acres, which would support about a 45,000 square foot mixed use project with retail, office and as many as 15, 1-bedroom apartments upstairs. An Addendum to the EIR was prepared for the Redesigned Project Alternative.

Mayor Lavagnino opened the public hearing.

Randy Alonzo, Inland Pacific Builders, thanked staff for their work on this project. He said he thought the site plan was the right plan for the location. It is a product that will be new to the City and will help attract a demographic that might otherwise look in Nipomo or Orcutt. This project would also not be in direct competition with some of the other projects presently under construction in the City.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Trujillo commended Mr. Alonzo for working with staff and the Planning Commission. He said he wanted to see a higher level of residential development in the City so people would not have to look in Nipomo or Arroyo Grande.

Councilmember Orach asked why the commercial area had been reduced from five acres to three acres. He said he would like to see something like a 7-Eleven Store there to serve the neighborhood.

Mr. Alonzo stated the Planning Commission had requested a smaller commercial area, and they felt three acres would be adequate as there were other opportunities for future commercial development in the area.

Resolution No. 2006-188 was adopted certifying the Final Environmental Impact Report, making CEQA findings, adopting a Statement of Overriding Considerations, and approving a mitigation monitoring program for the La Ventana II Project on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-188 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (E-2005-027), MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PLAN FOR THE LA VENTANA II GENERAL PLAN (LAND USE) AMENDMENT AND ZONE CHANGE PROJECT, GPZ-2005-003, LOCATED ON THE NORTHEAST CORNER OF EAST MAIN STREET AND PANTHER DRIVE.

Resolution No. 2006-189 was adopted recertifying the Final Environmental Impact Report with Addendum, E-2005-027, making CEQA findings, adopting a Statement of Overriding Considerations, and approving a mitigation monitoring program for the La Ventana II Project on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-189 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (E-2005-027), MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PLAN FOR THE LA VENTANA II GENERAL PLAN (LAND USE) AMENDMENT AND ZONE CHANGE PROJECT, GPZ-2005-003, LOCATED ON THE NORTHEAST CORNER OF EAST MAIN STREET AND PANTHER DRIVE.

Resolution No. 2006-190 was adopted amending the General Plan (Land Use) on 38.27 acres from Primary Agricultural Open Space (AOS-I) to 3.00 acres of Community Commercial and 35.27 acres of Lower Density Residential (LWDR-4) on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-190 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE ELEMENT) AMENDMENT FOR THE LA VENTANA II GENERAL PLAN (LAND USE) AMENDMENT AND ZONE CHANGE PROJECT, LOCATED ON THE NORTHEAST CORNER OF EAST MAIN STREET AND PANTHER DRIVE (GPZ-2005-003).

Ordinance No. 2006-16 rezoning the 38.27 acres site from OS (Open Space) to 3.00 acres of PD/C-2 (Planned Development/General Commercial) and 35.27 acres of R-1 (Single Family Residential) was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-16 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 38.27 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF EAST MAIN STREET AND PANTHER DRIVE (GPZ-2005-003).

AT THIS TIME THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA MARIA CONVENED FOR A JOINT SESSION WITH THE CITY COUNCIL.

ROLL CALL:
Board Members Mariscal, Orach, Patino, Trujillo, and Chairperson Lavagnino were all present.

FIRST MODIFICATION TO AMENDMENT NO. 3 TO THE REA
City Attorney/Agency Counsel Trujillo gave the staff report. This item is the first modification of Amendment No. 3 to and Restatement of Construction, Operation and Reciprocal Easement Agreement for the Galaxy Theater Project. In 2005, the Mall at Santa Maria, LLC approached the City and proposed the construction of a new multiplex theater facility to the 2nd floor of the existing Gottschalks building. The parties began negotiations of the major deal points of the proposal which culminated in the

Redevelopment Agency approving a Memorandum of Understanding (MOU) on October 18, 2005. Pursuant to the MOU, the Planning Commission approved a Planned Development Permit in December 2005 and an amendment to the PD in May 2006. The Redevelopment Agency approved a Lot Line Adjustment on November 7, 2006, which transferred 24,832 square feet of Redevelopment Agency owned parking lot to the Mall. The proposed building addition for the expansion of the first floor of Gottschalks is necessary so the proposed Galaxy Theater tenant improvements may occur within the second floor of the building. Building permits for demolition and foundation are ready to issue. The City, Redevelopment Agency, the Mall at Santa Maria LLC, Macy's Department Stores, Inc., and Sears, Roebuck and Co. are parties to Amendment No. 3 to and Restatement of Construction, Operation and Reciprocal Easement Agreement dated December 14, 1990, which governs the Towncenter East Mall. The First Modification to that document is necessary to allow the proposed Galaxy Theater project to proceed. The First Modification formalizes the consent of the parties to the proposed development of the theater, amends the required parking ratio from 4.75 spaces per 1000 square feet of commercial retail to 4.55 spaces per 1000 square feet, keeps the requirement for earthquake insurance in place but requires that the "Probable Maximum Loss" calculations be performed by professional engineers, and allows four kiosks and increases from eight to 16 the number of pushcarts permitted. Because the proposed project would change the foot print or configuration of the Mall and would result in the loss of 58 parking spaces, it required the consent of all the parties to the REA.

Mayor/Chairperson Lavagnino opened the public hearing.

Gerald Schutte, Mall at Santa Maria, LLC, stated he was sure that if Steve Watts were here, he would agree that they were at an apex in this project. He said they had developed a sense of what the community of Santa Maria was all about. They hoped their project would support the Downtown Specific Plan recommendations. He said they would be dedicating this project to Steve Watts, who passed away on Friday.

Hearing no further requests to speak on this item, Mayor/Chairperson Lavagnino closed the public hearing.

Joint City Council/Redevelopment Agency Resolution No. 2006-191 and 2006-02 was adopted authorizing the execution of the First Modification on motion by Council/Boardmember Orach, seconded by Council/Boardmember Trujillo, and carried on the following vote:

AYES:	Council/Boardmembers Mariscal, Orach, Patino, Trujillo, and Mayor/Chairperson Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2006-191 and 2006-02 adopted. A JOINT RESOLUTION OF THE CITY COUNCIL AND REDEVELOPMENT AENCY OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE MAYOR/CHAIRPERSON AND CITY MANAGER/SECRETARY TO SIGN THE FIRST MODIFICATION OF AMENDMENT NO. 3 TO AND RESTATEMENT OF CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT FOR THE GALAXY THEATER PROJECT.

Having no further business to come before the Redevelopment Agency, Chairperson Lavagnino adjourned the Redevelopment Agency Meeting at 8:20 p.m. and the remainder of the City Council meeting continued.

CITY MANAGER'S REPORT

City Manager Ness announced he had no report.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported on his attendance at the Police Activities League boxing event and commended the Police Department and Recreation and Parks Department for helping the young men and women who take part in the PAL.

Councilmember Orach reported on the dedication of two new streets, Orie Court named for Orie Johnson, and Gatewood Drive, named for Mr. Gatewood, two important African American gentlemen from the City.

Mayor Lavagnino reported on the dedication ceremony for the Angel of Hope memorial in the new addition of the Santa Maria Cemetery on Sunday, December 3rd at 2:00 p.m. He said it is a very touching memorial.

Mayor Lavagnino also reported on the Police Activities League boxing event. He congratulated Director of Recreation and Parks Posada for the boxing facility at Minami Center.

Councilmember Patino reported that on November 9th she attended the Celebration of Life at the Elks Club to celebrate people 90 years old and older. She also reported that on Saturday, November 18th she gave the welcome speech to the Black Student Union.

Councilmember Patino reported that on Sunday she attended the Santa Maria High School Football Banquet. She commended the coaches who really encouraged the students to keep up their grades.

Councilmember Patino also talked about attending the Bronze Cross Award ceremony to honor Julie Hendrix for bravery. She was a young woman of 14 or 15 years of age who was recognized for saving her friend's life in Big Sur River.

Councilmember Mariscal congratulated Councilmember Patino for being reelected for another term on the City Council. He thanked everyone who participated in the election on November 7th. He said he was excited about the fact that the election process took place and people had the opportunity to participate in it even though he was disappointed. He encouraged the residents of Santa Maria to participate more in their City government. He thanked his wife for supporting him.

Councilmember Mariscal reported that he and his wife were participating in the Altrusa Christmas Tree program which is currently taking place at the first floor of the Town Center Mall. Folks donate the trees and the presents under the trees and people bid on them. The money that is generated by Altrusa is used for literacy programs.

Mayor Lavagnino stated it was his privilege to serve with Councilmember Mariscal. He said he was a very sharp Councilmember who always came prepared and knew the issues.

CLOSED SESSION

Mayor Lavagnino announced that a second Closed Session was not necessary.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:40 p.m. by order of Mayor Lavagnino.

APPROVED

December 5, 2006
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria